

REMARKS

Entry of the foregoing, re-examination and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow are respectfully requested.

By the present amendment, the specification has been properly amended in accordance with the amendment presented in the utility Patent Application Transmittal Letter filed on November 29, 2001. The sentence added is verbatim from the Amendment submitted on November 29, 2001. This information was already acknowledged on the official Filing Receipt mailed from the Patent Office on December 13, 2001. Respectfully, no new matter has been added.

As correctly set forth in the Office Action summary, Claims 1 and 3-11 are pending. Claims 1, 3, 4 and 6-11 stand rejected. Applicants note with appreciation that Claim 5 has been indicated as being allowed.

Claims 1 and 3-11 stand rejected as being anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,613,032 ("*Ronnberg*") Further Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being obvious over *Ronnberg*. Respectfully, Applicants traverse these rejections.

The present application claims benefit of U.S Provisional Application No. 60/253,754, which was filed on November 29, 2000. *Ronnberg* is available as prior art under 35 U.S.C. §102(e) as of its filing date, which is July 11, 2001. Since July 11, 2001 is after the filing date of the present application, it is not available as prior art.

Respectfully, Applicants submit that the rejections under 35 U.S.C. §102(e) and §103(a) are obviated because *Ronnberg* is not available as prior art.

Furthermore, with respect to the rejection under 35 U.S.C. §103(a), without addressing the propriety of the above rejections, submitted herewith is a Statement Under 35 U.S.C. §103(c), which states that *Ronnberg* and the claim invention were, at the time the claimed invention was made, owned by or subject to an obligation of assignment to the same entity. As such, under the provisions of 35 U.S.C. §103(c), *Ronnberg* is removed from qualifying as §102(e) prior art in the §103 rejections. Accordingly, withdrawal of the rejections under §103 is respectfully requested.

CONCLUSION

For the above reasons, Applicants respectfully submit that withdrawal of the rejections under 35 U.S.C. §102(e) and §103(a) would be appropriate. In light of the foregoing, Applicants respectfully request reconsideration and allowance of the above-captioned application

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Limited Recognition Under 37 C.F.R. §10.9(b)

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